

**Notice of Allowability**

Application No.

09/316,725

Examiner

Thomas A. Dixon

Applicant(s)

MUNOZ ET AL.

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/12/06.
2. ☒ The allowed claim(s) is/are 1-3,6-10,12-16,19,21-23 and 29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

1. The request filed on 3/16/2005 for Continued Examination (RCE) based on parent Application No. 09/316,725 is acceptable and an RCE has been established. An action on the RCE follows.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joel Bootzin (42,343) on 6/12/06.

The application has been amended as follows:

In the Claims:

in claim 1, insert the phrase —determined to be a variable task— after the word —task—

in claim 29, line 27 replace the phrase —expected time of execution— with —duration—

Cancel Claim 30.

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**Allowable Subject Matter**

19, 21-23,  
3. Claims 1-3, 6-10, 29 are allowed.

4. The following is an examiner's statement of reasons for allowance:

As per Claim 1.

The prior art of record, specifically LeVander (6,216,108) in view of Conway (5,732,401) further in view of Dosset and Isherwood (5,918,219) and Dangat et al (5,971,585) and Nick (6,009,406) do not disclose or fairly teach:

a) establishing a list of healthcare tasks involved in a work process for a medical operating room or a medical examination room and including whether or not at least one of said healthcare tasks that involves execution by a human operator is a variable task by considering:

- 1) the variance of the time to complete the task relative to a standard,
- 2) how often the task occurs,
- 3) how difficult it is to measure accurately,
- 4) whether the task has identifiable sub-components, and
- 5) the financial impact to a healthcare business of which the healthcare activities are a part,

b) calculating the duration of said at least one healthcare task determined to be a variable task by using an operator independent method of task time measurement based on independently timing each motion in a procession of motions required to perform said healthcare task without timing from a beginning of said healthcare task to an end of said healthcare task a human performing said healthcare task.

As per Claim 29.

The prior art of record, specifically LeVander (6,216,108) in view of Conway (5,732,401) further in view of Dosset and Isherwood (5,918,219) and Dangat et al (5,971,585) and Nick (6,009,406) do not disclose or fairly teach:

a) establishing a list of healthcare tasks involved in a work processes wherein said healthcare tasks involves execution by a human operator;

b) for each task, determining:

- 1) how much the time to complete the task can vary from a standard with a single person and from person to person,
- 2) the frequency the task is performed,
- 3) how easy it is to measure the time to perform the task,
- 4) how many sub-components the task has,
- 5) whether the task requires analysis or thinking,
- 6) the complexity of the task,
- 7) if standard charges for the task by law exist, and
- 8) the financial impact of the task,

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c) for each task, deciding which one of four available methods of measurement should be used for calculating the duration of the task depending on the determining step, including:

- 1) expert opinions,
- 2) time studies,
- 3) industry standards, and
- 4) an operator independent method of task time measurement based

on independently timing each motion in a procession of motions required to perform said healthcare task without timing from a beginning of said healthcare task to an end of said healthcare task a human performing said healthcare task;

d) establishing a first cost component of each healthcare task as a function of the duration of said healthcare task and the cost per unit of time for said human operator.

The claims that depend from the above allowed claims are allowed for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

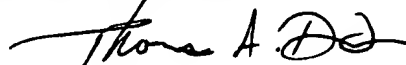
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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas A. Dixon  
Primary Examiner  
Art Unit 3639

June 06